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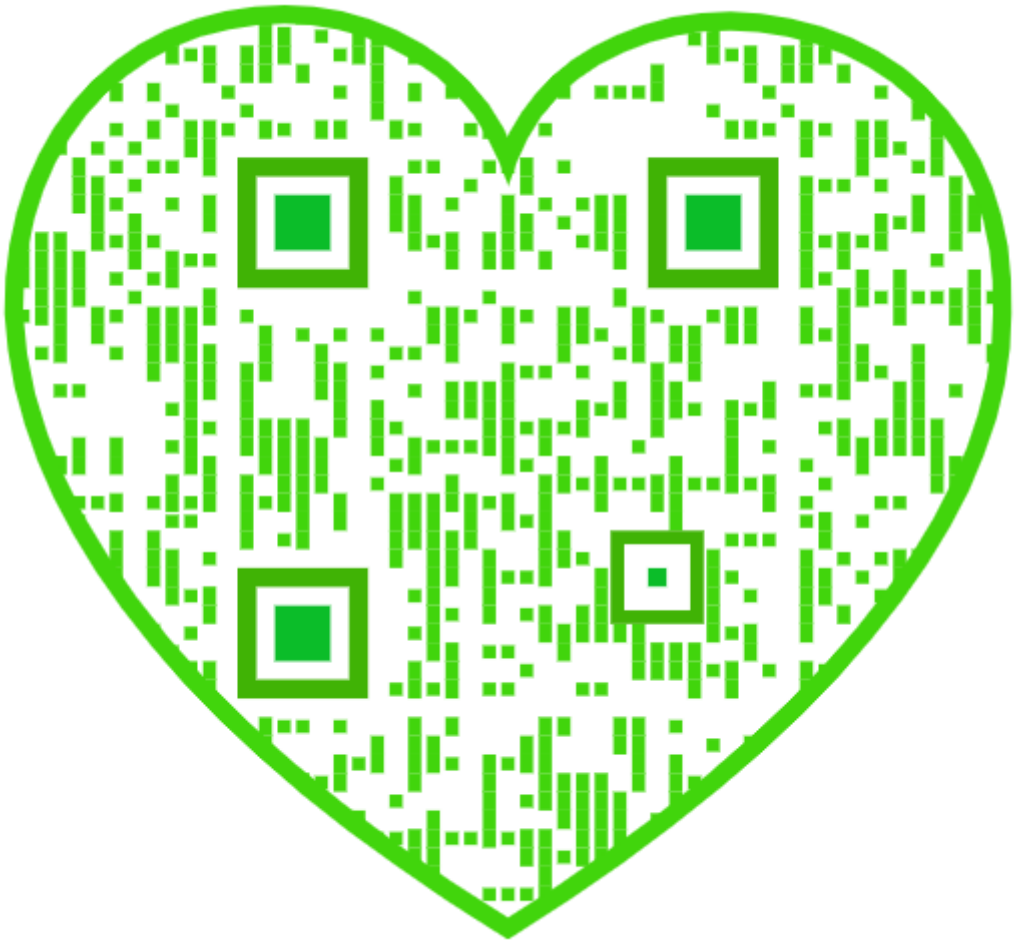
Oregon Fire Wardens Handbook of Forest Fires



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Book

STATE OF OREGON

FIRE WARDEN'S HANDBOOK

OREGON FOREST FIRE LAWS

REVISED 1916

17-27464

STATE BOARD OF FORESTRY

F. A. ELLIOTT . . State Forester
E. O. SIECKE . Deputy State Forester

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A Handbook for Fire Wardens

The purpose of this handbook is to indicate briefly the forest policy of the State and to supply the information needed by the State Fire Wardens in the discharge of their duties. Instructions to cover every emergency that the warden will have to meet cannot, of course, be given, but the application of the policy here outlined to local conditions, should lead to a more hearty cooperation between the wardens and the public, and result in a more uniform enforcement of the forest law and a greater efficiency in fire protection work. The handbook contains the full text of the forest laws, arranged in a form convenient for reference use, together with opinions of the Attorney General in digest form, relative to several important sections.

F. A. ELLIOTT,
State Forester.

Reasons Why the State Appropriates Money for Forest Fire Protection

Oregon has more standing timber than any other state in the Union—approximately 450,000,000,000 feet.

When manufactured into lumber Oregon's timber will bring in at least $6,000,000,000 of outside money, 80 per cent of which will be spent for labor and supplies.

Oregon is receiving $60,000,000 annually for lumber and other timber products. The industry is developing rapidly.

Oregon timber and the lumber industry pay approximately one-third of the taxes of the State.

When timber is destroyed by fire, the State loses directly the taxes which the property would yield until cut, and indirectly at least 80 per cent of its manufactured value. For every 1,000 feet of timber burned the owner loses the value of the stumpage, about $2.00, and the State the amount expended for labor and supplies in manufacturing it into lumber, about $8.00.

The last census shows 34,722 people engaged in manufacturing industries in Oregon, of whom 16,833, or 50 per cent, are employed by the lumber industry.

Out of a population of 672,765 people in Oregon, 84,000, or one-eighth of the total population, is directly dependent upon the lumber industry. No other manufacturing

industry in the State employs one-tenth as many men as this one.

Over $70,000 of outside money is each day brought into Oregon by the lumber industry.

The last census shows that out of 55 manufacturing establishments in Oregon employing over 100 wage earners, 33 were engaged in the lumber industry.

80 per cent of our outgoing freight is lumber.

Already the revenue derived from Oregon's timber exceeds that from wheat, fruit, vegetables and fish combined, and cutting has hardly begun.

Oregon's timber area is approximately 25,000,000 acres, of which about one-half is publicly and one-half privately owned.

The 1910 census shows the value of all farm property in Oregon, including land, buildings, implements, machinery, livestock, poultry and bees, to be $528,244,000. The stumpage value of our timber is conservatively placed at $680,000,000, and when manufactured $6,800,000,000.

Since 1910 our losses from forest fires have been less than for any one previous season, and during that time, one season (1914) was the dryest since weather records have been kept.

General Instructions to Fire Wardens

THE FIRE WARDEN SERVICE

Under the provisions of the Forest Law it becomes the duty of the State Forester to appoint and instruct fire wardens, take such action as is authorized by law to prevent and extinguish forest, brush, and grass fires; enforce all laws pertaining to forest and brush land, and prosecute for any violation of said laws. It is obvious that work along the lines of fire patrol and fire fighting must be done through the State Fire Wardens. To obtain the best results the field force must be organized along definite lines, and each member should have a clear conception of his duties and his relation to other members of the organization. The field force directly under the orders of the State Forester consists of District Wardens, Federal Patrolmen, and Special Wardens appointed to assist in enforcing the law. These officials have all the powers of regularly appointed State Fire Wardens. In addition State Fire Warden appointments are issued to the following: (1) Patrolmen employed by fire patrol associations and individual timber owners; (2) rangers of the National Forests upon recommendation of the U. S. Forest Supervisors; (3) county officials whose services as Fire Wardens are especially desirable; (4) reputable citizens of the State acting as Voluntary Wardens in localities not covered by other wardens. These four classes

of appointments do not carry remuneration from the State, or authority to incur expenses to be paid by the State, and unless otherwise specified terminate at the end of the closed season during the year in which the appointment is made. In conformity with the provisions of the law outlined above, State Fire Wardens should take steps for the prevention and extinguishment of fire in their localities, and assist in apprehending and convicting offenders against the law, control the use of fire during the closed season, and make such reports as may be requested by the State Forester. All State Wardens have the powers of peace officers to make arrests for violation of the forest fire law.

It will help much in carrying out the spirit of the law, if wardens will explain to campers how they should build fires and extinguish them when they leave their camp ground. Wardens in the employ of timberland owners, associations, or of the State, will find it well worth while to spend a day now and then in clearing up and fixing good camp grounds for the benefit of campers, and putting up signboards giving distances to other camp grounds.

Each State Warden will be supplied with copies of the Forest Laws. These should be generally distributed to settlers, hunters, campers and others who travel through the forests during the summer. Additional copies of the laws will be furnished by the State Forester upon request.

BURNING PERMITS

During the period between June 1 and October 1 it is unlawful for any person or persons to burn slashings, chopping, wood or brush land without obtaining a permit from a State Fire Warden. The chief object of this restriction is to prevent the careless use of fire during the dry season. Persons engaged in clearing land and putting it under cultivation find the use of fire absolutely necessary, and the warden's decisions as to the advisability of issuing a permit should in every case be based on a thorough investigation of the area to be burned over. In general, a permit should be issued unless it is clear that the burning contemplated is unsafe.

However, the law is intended to safeguard the settler as well as the timber owner; consequently, during extremely dry seasons, when the fire hazard is unusually great, few, if any, permits should be issued. It is far better to inconvenience temporarily one settler who desires a permit than to run the risk of destroying thousands of dollars worth of property. To summarize: It is the warden's duty to accommodate applicants by issuing permits where there is no danger of the fire spreading, but to decline, and give reasons, when the burning would be unsafe.

Instructions for filling out permits are given in the permit book with which each warden will be supplied. The exact number

of acres to be burned should be stated in each permit issued, since this information is necessary in compiling figures showing the total acreage burned under permit in the State.

It is very important that burning permits be limited to the shortest practicable period. In most cases the permittee will not require more than from one to three days. As far as possible, permits should be issued one day before, or on the day the burning is started, and under no consideration is it advisable to issue a permit extending over a long period for burning that can be accomplished in a day or two. *No permits for a period of ten days or more should be issued without first consulting the State Forester.*

Section 7 of the Forest Fire Laws provides that under certain conditions burning may be done during the closed season without permit. The following regulations adopted by the State Board of Forestry define burning of this character, and specify what is meant by the term "adequate precautions and personal control":

1. Burning of log piles, stumps, or brush heaps without permit as provided for under Section 7 of the Oregon Forest Fire Laws, is permissible only where the material to be burned is a safe distance from other inflammable material and where the ground surrounding the log piles, stumps, or brush heaps is cleared of any substance which will allow of fire spreading to adjacent wooded, brush, or slash-covered land, either the property of the parties engaged in burning, or that of another.

2. "Adequate precautions and personal control" is interpreted as meaning that all fires set without permit must be continually watched, both night and day, by a sufficient number of men on the ground for that purpose, and should fire escape, steps must be taken at once to extinguish it.

3. Burning done in violation of these regulations will submit the party or parties concerned to prosecution under the fire laws.

FIRE WARNING NOTICES

Each warden should see to it that his district or locality is thoroughly posted with cloth warning notices. This is one of the most effective ways of acquainting campers, hunters and others who frequent the woods, with the important provisions of the Forest Law, and impressing them with the need of exercising due caution with fire. One kind of cloth warning notice and a cardboard "Notice to Engineers and Firemen," have been prepared by the State Forester, and a supply of these forms will be furnished to all State Wardens.

Old notices that are partially detached or have been damaged, should be removed and new ones put in their places. An old dilapidated notice creates a bad impression, and is worse than none at all. Wilful destruction of posted notices is punishable by fine or imprisonment, and if any warden ascertains that persons are making a practice of destroying notices in his district, the matter should immediately be reported to the State Forester or to the District Warden in his district.

REPORTS ON FIRES

It is absolutely necessary that the State Board of Forestry have a report of all fires occurring within the State. For purposes of record, reports of small fires are fully as important as information concerning large ones. It should be borne in mind that the efficiency of systematic fire patrol work cannot be shown conclusively unless accurate information on this subject is available, and that in this connection *reports on incipient fires extinguished by wardens or others before damage is done to timber or other property, are especially valuable.* Reports should be made as complete as possible, and prepared on the report blanks provided for this purpose. If no fires come under the warden's observation or occur in his district, a report blank should be sent in at the close of each month, duly signed and dated, with a note, "No fires this month," written across the face of the form. Stamped and addressed envelopes are furnished for this purpose.

Many of the fires reported as being of unknown origin are undoubtedly caused by carelessness. It is the warden's duty, under the law, to use every reasonable means at his command to ascertain the cause of every fire in his district. In addition, the warden should inform the State Forester of the party repsonsible for the fire, no matter who that party may be. This information is necessary in order that every precaution may be taken

to prevent the recurrence of fires from the same source in the future.

During the years 1911-15, a total of 3,583 fires were reported on privately owned land outside of the National Forests, and about 86 per cent were caused through carelessness or wilfulness. Beyond question, a majority of these fires were the result of violations of the law by campers, hunters, railroad companies, loggers and ranchers.

It should, therefore, be the aim of every State Fire Warden to reduce the number of avoidable fires in his territory. The Forest Fire Law was enacted chiefly to assist in reducing the number of fires of this kind. In order to obtain the results desired the warden should see to it that all persons using fire in the open during the period June 1 to October 1 comply with the law.

Wilful violation of the law should not be tolerated, but the warden will be justified in exercising leniency in rare cases where some minor technical violation is involved. Wholesome respect for the law can be created only by punishing the violators. A law persistently disregarded is far worse than none.

Persons taken in the act of violating the fire laws can be arrested by State Fire Wardens without warrant. In case the conviction of the offender depends on the testimony of several persons, wardens will find it advisable to take the written testimony of the important witnesses and confer with the District Warden of their county, or with the

District Attorney before swearing out a warrant. If the offender is likely to escape by reason of such delay, the arrest should be made on the warden's judgment after a careful consideration of the law and the evidence in the case.

A FEW THINGS TO BE REMEMBERED

State officials charged with the execution of the Forest Fire Law have to deal with sawmill men, who must cut timber to make lumber; with farmers, who have to clear land to make it pay taxes; with miners and prospectors, who are striving to produce something where no revenue is now in sight; with cattle and sheep men, who are honestly trying to make their living from lands that are otherwise unproductive. The intent of the law is to assist all these. They should be given a fair deal. One enemy made by thoughtlessness or lack of tact in dealing with the public, may do damage that can never be repaired.

Instructions to District Wardens

District Wardens have charge of enforcing the provisions of the Forest Fire Laws in their respective districts. Roads and trails, or any other means of reaching remote sections, should be investigated. Arrangements should be made with county courts for clearing up brush and debris along trails and roads, and with private parties for burning all slashings and windfalls at times when such work can be done safely.

The slash menace constitutes one of the most important problems in connection with the protection of standing timber and logging equipment, and the District Warden must give his earnest attention to this work. He should make a complete list of the slashings in his county on Form C, which can be done without loss of time while traveling over his county on other lines of work. It should be borne in mind that climatic conditions and other factors often make it impossible to dispose of slash in strict compliance with the provisions of Section 11 of the law. Each slashing should be considered as an individual problem, and the law should be used as an effective persuader where a valid objection against burning cannot be advanced.

The District Warden will be in charge of the Federal patrolmen appointed to serve in his county or district. These patrolmen are instructed to submit daily reports of their

work on Form B, at the end of each week. Their reports should be examined carefully to see to it that the patrlomen are covering their districts properly. The District Wardens will be held responsible for keeping the Federal patrolmen, as well as association patrolmen, engaged on improvement work during damp periods, when patrol is not necessary. This is very important, and definite plans covering trail work, etc., should be discussed with each patrolman at the time he goes on duty. All patrolmen should be impressed with the fact that a day's work is expected of them for every day they are on the payroll. The District Wardens should familiarize themselves with the daily routes of the patrolmen, so as to be able to communicate with them with the least possible delay in case of emergency. If possible, some telephone should be designated where the patrolman may be called at a definite time during the day, in case it is desired to give him instructions or obtain information. It would be well to make similar arrangements with as many as possible of the patrolmen employed by private timberland owners in non-association districts. The importance of planning for means of rapid communication must not be overlooked. It is absolutely essential in any effective fire patrol or fire fighting work.

The District Warden is requested to recommend suitable men to act as Voluntary Wardens in localities where there are no

regularly employed wardens. Such men will be given appointment, so that settlers having slashings to burn may be accommodated with the least possible inconvenience. The telephone numbers of wardens of this class who have instruments in their homes, should also be recorded. The State Forester will supply the names and addresses of persons appointed State Fire Wardens in each district, when such appointments are made. The District Warden should get acquainted with all the wardens in his district at the earliset opportunity.

Logging camps, sawmills, and railroads where steam engines burning fuel other than oil are being operated, should be inspected to see that proper spark arresters are kept in use and that rights-of-way are kept free from inflammable debris. A number of cardboard "Notices to Engineers and Firemen" should be posted in all logging camps, and in sawmills located adjacent to standing timber.

The District Warden will fill out a daily report on Form B, and forward it to the State Forester at the end of each week. He will also be furnished with an outline to be followed in making his seasonal report at the close of the fire season. The topics mentioned in the outline should be carefully noted, and as he travels over his district during the fire season, each District Warden is expected to record in a note book kept for this purpose, all information bearing on the points mentioned in the outline.

Careful note should be made of the policy of the State in regard to fighting fires, as outlined on page 23, and it should be seen to that the Federal patrolmen have thorough instructions along this line. In case public safety demands that the State take action in suppressing a fire in districts not patrolled by associations, such tools, equipment and camp supplies as are necessary properly to conduct the work, may be purchased. The District Warden will be held accountable for all such equipment, except, of course, food supplies, until it is turned over to the State Board of Forestry, or to another warden. Ordinarily it will not be advisable to pay fire fighters more than the customary wage for labor prevailing in the locality of the fire. However, this policy cannot always be adhered to, and the District Warden must use his own judgment in determining when circumstances warrant offering wages that are above the average.

In addition to the duties outlined above, District Wardens in counties in which a Fire Patrol Association exists, have supervision of the field work of the association. Under the cooperative agreement existing between the State and the associations, the District Wardens have charge of selecting and directing the work of the association patrolmen, supervising improvement work, and submitting plans relative to trails, telephone lines, etc., that should be constructed to increase the efficiency of the patrol.

Federal Patrolmen

Under a cooperative agreement between the U. S. Department of Agriculture and the State Board of Forestry, the Federal Government has allotted funds for the services of one or more patrolmen in each heavily timbered county in the State. These men will be appointed by the State Forester. The districts to be covered by them will be determined by the State Forester assisted by the National Forest Supervisors and the District Wardens. The work of the Federal patrolmen will be under the immediate direction of the District Warden in charge of the county or district in which they serve. They will prepare daily reports in duplicate on Form B. One copy should be sent to the State Forester, and one to the District Warden at the end of each week. These reports should show just what the patrolman did each day. If patrol work was done, the "beat" followed should be described by refering to streams or ridges, and if necessary to legal subdivisions.

Federal patrolmen will be assigned a definite territory over which they will be required to keep a constant patrol, looking out for fires and extinguishing them as far as possible without additional assistance. Their District Warden will instruct them relative to hiring extra help in taking care of fires that cannot be handled without assistance. Federal patrolmen will be supplied with penalty envelopes, which should

be used in all official correspondence with the State Forester, District Wardens or the public. They must under no consideration be used for correspondence on purely personal matters.

Wardens in the Employ of Timber Owners and Fire Patrol Association

Association patrolmen are selected by the District Wardens in charge of the field work for the various fire patrol associations, and work under their immediate supervision. At the time they are appointed they should receive from their District Warden detailed instructions relative to patrol and improvement work, and as to what action to take in case of serious fire occurring in their district.

Wardens in the employ of timber owners who are maintaining a patrol in districts not covered by a fire patrol association, are, of course, under the supervision of their employers; however, their acceptance of appointment as State Fire Wardens carries with it certain obligations to the State. They should cooperate with the District Warden in every way possible, and his suggestions should be followed in all instances where they do not conflict directly with their employers' instructions. However, they should feel free to make suggestions to the District Warden whenever mutual benefit will result. All paid Fire Wardens of this class must have definite instructions from

their employers in regard to securing assistance in fighting fire in their districts, so that no time will be lost in promptly handling any fire that may occur. They have no authority to incur debt for the State. The wardens should note carefully the policy of the State in fighting fires, as outlined on page 23.

Voluntary Wardens

The chief duties of the Voluntary Wardens will be to issue burning permits in their immediate locality, post fire warning notices in conspicuous places, distribute copies of the law, and submit reports on forest fires that come under their observation. They must notify the nearest paid warden, or the District Warden of their county, in case a fire occurs that cannot be readily controlled by the persons whose property is endangered. No expenses will be paid by the State, unless authorized by the District Warden. In this connection attention is directed to the policy of the State in fighting forest fires outlined on page 23. Permits to burn should be issued in accordance with the instructions given in this book and the regulations on the inside cover pages of the Burning Permit Book.

Under Chapter 90, General Laws of Oregon, 1913, all county judges within the State of Oregon are made *ex officio* fire wardens, with authority to issue or revoke permits for burning slashings, etc., between

June 1 and October 1; *provided,* that every person to whom such permit is issued shall give at least 24 hours' notice to each resident owner of adjoining lands of the time when he intends to set fire in accordance with his permit. County judges who use their authority under this law are earnestly requested to cooperate with our District Wardens and not issue permits in territory covered by wardens working under our general forestry laws.

Fire Fighting

GENERAL INSTRUCTIONS

No definite instructions can be given in regard to fire fighting, but each warden is expected to have had experience along this line, and must rely on his best judgment. It is a well known fact that the best time to fight a fire is at night or very early in the morning, when the air is damp and the fire is at its weakest stage. A few men judiciously handled at this time can accomplish more than a greater number of men during the middle of the day. In fact, it is often a waste of energy and expense to do any work on a fire when it is dry and windy.

Back fires should not be set except where absolutely necessary, since they very often become unmanageable and do more damage than the original fire. However, should back firing be considered advisable, a road or wide trail should be taken as the base of opera-

tions. The fire should be started against the wind, and a sufficient force of men should be on hand to control it. Ordinarily, the best time to back fire is in the evening. Wardens should have personal charge of all fire fighting, and in case it is necessary for them to be absent for a time from any fire, a competent man must be placed in charge. Extreme care should be taken to patrol a fire properly after it is under control. Failure to do so often causes more trouble and expense than the original fire.

Wardens who have authority from their employers to get assistance, should make arrangements with settlers, or, if there are logging camps in the district, with foremen of these, for obtaining help at once in case of fire, so that no time may be lost in getting started to fight it. Similar arrangements should also be made for provisions and transportation in case of emergency.

Policy of the State Relative to Fire Fighting

County Fire Patrol Associations and private patrols are responsible for handling all fires occurring in the territory embraced in their patrols.

In counties and districts where the patrol work is handled directly by the State, the District Warden should see that all fires on timberlands coming under the provisions of the compulsory patrol law (see page 45) are promptly handled. Timberlands whose own-

ers live on or within one and one-half miles of the same are not subject to the law, since such residence is considered as constituting sufficient protection. The owners, however, are responsible for putting out all fire occurring on their land and it is the duty of the District Warden and patrolmen to see that they do so.

Fires in agricultural localities should be handled by the persons upon whose land they occur or by the persons who started them (see Sec. 8, page 36). No patrol assessments are received from these localities, and no money except from the general legislative appropriation is available for handling such fires. It is not the intention of the Forest Fire Laws that money from the legislative appropriation be used in fighting fires except in extreme emergencies, and no expenditures should be incurred in agricultural localities without special authority from the State Forester.

ADMINISTRATION OF FIRE PATROL LAW

The law is officially designated as Chapter 247 of the Laws of Oregon for 1913, and is given in full on pages 45 and 46 of the handbook. Under its provisions every owner of timberland not residing within one and one-half miles of the same must provide an adequate patrol therefor, and in case he fails to do so the State Forester must provide patrol and collect the cost thereof from the owner by placing a fire patrol assessment

against the land on the tax rolls. Actual residence on timberland by a bona fide tenant is considered as constituting adequate patrol, and exempts the owner from payment of patrol assessments. The owners or tenants are, however, responsible for putting out all fires occurring thereon.

Owners of timberland not exempted because of residence or occupation by tenants, comply with the law by joining a fire patrol association whose patrol work is recognized as adequate by the Board of Forestry, or by providing adequate private patrol. Any timber owner providing private patrol must have his patrolman sign an affidavit that he has been authorized by his employer to incur all expenditures necessary to promptly suppress any and all fires occurring on the timberlands in question. Upon receipt of the affidavit the patrolman will be sent an appointment as fire warden, together with a daily report book. He will be expected to submit daily reports to the District Warden in the same manner as association and Weeks Law patrolmen. The District Warden will carefully note these reports and will immediately notify the State Forester in case the reports or a personal investigation indicate that the patrol is not adequate. The District Warden will be notified of all private patrols in the territory under his supervision, and should see to it that all the paid patrolmen serving under him are informed as to what tracts in their

districts are privately patrolled and the names of the men who are doing the patrolling.

The State Forester provides patrol for all timberlands not listed with patrol associations or furnished with private patrol. In association counties such lands are turned over to the associations for patrol, while in counties or districts where no association exists, the lands are patrolled under the direct supervision of the State Forester.

Supplies

At the time of appointment each Fire Warden will be supplied from this office with a permit book, warning notices, report blanks, and other forms necessary in the discharge of his duties. He will also be furnished with a numbered badge of authority, which must be returned at the close of the fire season. Ordinarily, the supplies will be sent directly to the warden, although in some cases it will be advisable to forward them to the warden's employer, who will see that they are properly distributed. Additional supplies may be obtained upon request from the State Forester, Salem, Oregon.

Oregon Forest Fire Law

CHAPTER 278 OF THE LAWS OF OREGON FOR 1911

Enacted by the Twenty-sixth Legislative Assembly

AN ACT

For the protection of the forests of the State of Oregon; to prevent and suppress forest fires, to create a State Board of Forestry to serve without compensation, and a State Forester and deputy, and for the appointment of fire wardens, and to prescribe their rights, powers and duties, and to provide for the payment of their compensation and expenses and the expenses of said Board; providing penalties for the violation of the provisions of this Act, making an appropriation therefor; repealing Sections 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516, 5517, 5518, 5519, 5520, 5521, of Lord's Oregon Laws (Chapter 131 of the Laws of Oregon for the year 1907), and declaring an emergency.

Be it enacted by the People of the State of Oregon:

Be it enacted by the Legislative Assembly of the State of Oregon:

STATE BOARD OF FORESTRY

Section 1. There shall be a State Board of Forestry, consisting of the Governor, the acting head of the Forest School of the Oregon Agricultural College, and five electors of the State of Oregon, to be appointed by the Governor from and upon the authoritative recommendation of the Oregon State Grange, the Oregon Forest Fire Association, the Oregon and Washington Lumber Manufacturers' Association, and the United States Forest Service, and Oregon Woolgrowers' Association, each to select and name one

of such electors. In the absence of such recommendation the Governor shall nevertheless appoint said electors. Said Board of Forestry shall supervise all matters of forest policy and management under the jurisdiction of the State, and approve claims for expenses incurred under the provisions of this act. The members of said Board shall receive no compensation for their services thereon, but shall be entitled to actual traveling expenses which may be incurred in attending Board meetings.

Said Board shall meet at any convenient place in the State upon the call of the Governor or its secretary. A majority of said Board shall constitute a quorum.

APPOINTMENT AND DUTIES OF STATE FORESTER

Section 2. The State Board of Forestry shall appoint a State Forester, who shall be a practical forester familiar with western conditions and experienced in organization for the prevention of forest fires. He shall hold office at the pleasure of said Board, which shall also have power to fix his compensation at not to exceed three thousand dollars ($3,000.00) per annum. He shall be authorized and empowered to appoint a deputy whose salary shall be fixed by the State Board of Forestry at not to exceed eighteen hundred dollars ($1,800.00) per annum. He shall be allowed necessary office and contingent expenses, including clerical help, and he and his deputy shall be paid

actual traveling and field expenses which may be incurred in the performance of their official duties. He shall, under the supervision of the State Board of Forestry, execute all matters pertaining to forestry within the jurisdiction of the State; appoint and instruct fire wardens as provided for in this act; direct the improvement and protection of State forest lands; collect data relative to forest conditions; take such action as is authorized by law to prevent and extinguish forest, brush, and grass fires; enforce all laws pertaining to forest and brush-covered lands, and prosecute for any violation of said laws; cooperate with land owners, counties or others in forest protection; advise and encourage reforestation; and publish such information on forestry as he may deem wise. He shall act as secretary of the State Board of Forestry, and prepare annually a report to the Governor on the progress and condition of State forest work, containing recommendations for improving methods of forest protection, management and reproduction within the State of Oregon. During the State Forester's absence or disability, all his authority shall be exercised by his deputy.

APPOINTMENT OF FIRE WARDENS AND SPECIAL WARDENS—ASSISTANCE TO BE GIVEN IN PROTECTING LIFE AND PROPERTY

Section 3. Under such general policy as to qualifications, numbers and localities as the State Forester shall deem wise, he shall

appoint suitable and proper citizens fire wardens, who shall have all the powers given to fire wardens under this act, but shall serve voluntarily or under compensation by property owners or counties. State and county officials whose duties make their *ex officio* services as fire wardens especially desirable as a convenience to the public, shall accept appointments as such when formally requested by the State Board of Forestry. Upon the recommendation of Federal Forest Supervisors, the State Forester shall appoint resident officers of the national forest *ex officio* fire wardens. In times or localities of particular fire danger, or to enforce the fire laws or apprehend and prosecute violators thereof, the State Forester shall have power to appoint and employ, either independently or jointly with other agencies, such additional fire wardens, and furnish these such assistance and facilities for protecting life or property from fire, as he shall deem public safety demands, and unless contributed by other sources, the cost thereof shall be paid from the funds appropriated by this act, but each county in which such service is given shall be responsible for one-third of the expenses thus actually incurred and paid by the State for services within said county, and upon demand by the State Treasurer shall pay the amount thus due into the State treasury, to be credited to the fund appropriated by this act.

STATE FORESTER MAY DESIGNATE FIRE DISTRICTS AND APPOINT DISTRICT FIRE WARDENS

Section 4. The State Forester shall, with the advice of property owners or agents or counties desiring to cooperate in forest protection, designate suitable areas to be official fire districts. He may appoint for each district one or more District Fire Wardens, to be paid as other fire wardens under this act, and to serve until their appointments are revoked by their employers' request or by the State Forester for good cause shown. Upon written notice to the State Forester by the person or authority upon whose recommendation any other fire warden is appointed, said fire warden shall be subject to the direction of the proper District Fire Warden.

LAND COVERED WITH INFLAMMABLE MATERIAL ADJACENT TO FOREST LAND DECLARED A PUBLIC NUISANCE—STATE FORESTER TO ADVISE WITH OWNERS

Section 5. Any and all inadequately protected forest or cut-over land, adjoining, lying near, or intermingling with other forest land and covered wholly or in part by inflammable debris or otherwise likely to further the spread of fire, which by reason of such location or condition or lack of protection endangers life or property, is hereby declared to be a public nuisance, and whenever the State Forester shall learn thereof he shall notify the owners or persons in control or possession of said land, requesting them to

take proper steps for its protection and advising them of means and methods to that end.

The burning of slashings resulting from the cutting of cordwood and the clearing of land are covered by this section and not by Section 11.

If, after proper notice from the State Forester, the owners or persons in control or in possession of land, covered wholly or in part by inflammable material and thereby considered a public nuisance, neglect or refuse to take any steps to protect life and property, the State Forester has authority under Chapter 2 of Lord's Oregon Laws to cause the nuisance to be abated, by proceeding through the courts in accordance with the mode of procedure outlined in said chapter. The State Forester is not empowered arbitrarily to abate the nuisance and charge the costs thereof to the parties responsible. (Opinion of Attorney General.)

DUTIES OF STATE FIRE WARDENS

Section 6. All fire wardens appointed under this act shall, under instruction from the State Forester as to their exercise of State authority, take proper steps for the prevention and extinguishment of fires within the localities in which they exercise their functions, assist in apprehending and convicting offenders against the fire laws, control the use of fire for clearing land in the closed season, as provided by Sections 7 and 8 of this act, and make such reports of their work and conditions within their localities as may be requested by the State Forester. They shall have the power of peace officers to make arrests for violation of forest laws. They shall have power to enter upon the lands of any person or owner in the discharge of their duties; *provided*, that in so entering they shall exercise due care to avoid doing damage. Any fire warden who has informa-

tion which would show, with reasonable certainty that any person has violated any provision of the forest laws, shall immediately take action against the offender, either by using his own power as a peace officer or by making complaint before the proper magistrate, or by the filing of information with the District Attorney, and shall obtain all possible evidence. Failure on the part of any fire warden receiving compensation to comply with the duties prescribed by this act shall be a misdemeanor and punishable by a fine of not less than twenty dollars ($20.00), nor more than two hundred and fifty dollars ($250.00), or by imprisonment in the county jail for not less than ten (10) days nor more than three (3) months, or both such fine and imprisonment.

BURNING WITHOUT PERMIT PROHIBITED JUNE 1 TO OCTOBER 1—BURNING OF LOG PILES, STUMPS AND BRUSH HEAPS IN SMALL QUANTITIES EXCEPTED.

Section 7. During the period between June 1 and October 1, which is hereby designated the closed season, it shall be unlawful for any person or persons to set on fire, or cause to be set on fire, any slashing, chopping, woodland or brush land, either his or their own or the property of another, without written or printed permission from a fire warden and compliance with the terms thereof which shall prescribe the conditions upon which the permit is given and which are necessary to be observed in setting such fire

and to prevent it from spreading so that life or property of another may be endangered thereby. This restriction shall not apply to the burning of log piles, stumps or brush heaps, in small quantities, under adequate precautions and personal control, and in accordance with any regulations which may be adopted by the State Board of Forestry for the purpose of insuring public safety; but if any such burning without permission shall result in the escape of fire and injury to the property of another, this shall be held *prima facie* evidence that such burning was not safe and was a violation of this section. Violation of these provisions shall be punished by a fine of not less than twenty-five dollars ($25.00), nor more than five hundred dollars ($500.00), or by imprisonment of not less than ten (10) days nor more than three (3) months. Permits to burn, as provided by this section, may be issued by any fire warden, and shall contain such safeguarding restrictions as to time of burning and precaution to be taken as may be fixed by the State Forester or left by him to the discretion of fire wardens. Any fire warden shall have the right to refuse, revoke or postpone permits when necessary to prevent danger to the life or property of another. Any permit obtained through wilful misrepresentation shall be invalid and give no exemption from liability of any kind. In times and localities of unusual fire danger, the Governor, with the advice of the State

Forester, may suspend any or all permits or privileges authorized by this section and prohibit absolutely the use of fire herein mentioned. Whenever, or wherever, during an open season for the hunting of any kind of game in this State, it shall appear to the Governor upon the showing of the State Forester that by reason of extreme drought the use of firearms or fire by hunters is liable to cause forest fires, he may, by proclamation, suspend the open season and make it a closed season for the shooting of wild birds and animals of any kind for such time as he may designate, and during the time so designated all provisions of law relating to closed seasons for game shall be in force.

REGULATIONS ADOPTED BY THE STATE BOARD OF FORESTRY GOVERNING BURNING WITHOUT PERMIT

1. Burning of log piles, stumps, or brush heaps without permit as provided for under Section 7 of the Oregon Forest Fire Law, is permissible only where the material to be burned is a safe distance from other inflammable material and where the ground surrounding the log piles, stumps, or brush heaps is cleared of any substance which will allow of fire spreading to adjacent wooded, brush, or slash-covered land, either the property of the parties engaged in burning or that of another.

2. "Adequate precautions and personal control" is interpreted as meaning that all fires set without permit must be continually watched both night and day by a sufficient number of men on the ground for that purpose, and should fire escape, steps must be taken at once to extinguish it.

3. Burning done in violation of these regulations will submit the party or parties concerned to prosecution under the fire laws.

SETTING FIRE TO WOODS, BRUSH, GRASS, ETC., ON ANOTHER'S LAND, OR ALLOWING FIRE TO ESCAPE TO LAND OWNED BY ANOTHER

Section 8. Any person who sets on fire, or causes to be set on fire, any woods, brush, grass, grain, stubble, or other material being or growing on any lands not his own, without permission from the owner, or who wilfully or negligently allows fire to escape from his own land, or anyone who accidentally sets any fire on his own land or another's and allows it to escape from his control without extinguishing it, or using every effort to do so, shall be punished by a fine of not less than fifty dollars ($50.00), nor more than one thousand dollars ($1,000.00), or imprisonment for not less than one (1) month nor more than one (1) year; *provided,* that it shall be lawful to build, in a careful manner, camp fires on any uninclosed lands, the owner of which has not forbidden such building of camp fires thereon by personal notice or by posting such prohibition in conspicuous places or otherwise, if, before departing from the place where such camp fire has been built, the builder of such fire totally extinguishes the same; and, *provided further,* that nothing in this section shall apply to the setting of a back fire, in good faith, to prevent the progress of a fire then burning.

The words, "or who wilfully or negligently allows fire to escape from his own land," imply that even though the fire had not been started upon the owner's land, it would be his duty just as much to extinguish it as it would be if it had started on his land. (Opinion of Attorney General.)

BUILDING CAMP FIRES

Section 9. Any person who builds a camp fire upon lands within this State, not his own, without clearing the ground immediately around it free from material which will carry fire, or who leaves thereon a camp fire burning and unattended, or who permits a camp fire to spread thereon, or who uses in any firearms discharged thereon other than incombustible gunwadding, shall be punished by a fine of not less than twenty-five dollars ($25.00), nor more than five hundred dollars ($500.00), and upon refusal or neglect to pay the fine and costs imposed shall be imprisoned for a period not to exceed one day for every two dollars ($2.00) thereof, or may be subject to both such fine and imprisonment at the discretion of the court.

It is not necessary that a camp fire being left unattended or unextinguished should do damage to surrounding property to make this section applicable.

SPARK ARRESTERS ON ENGINES IN OR NEAR FOREST OR BRUSH LAND

Section 10. From June 1 to October 1 of each year it shall be unlawful for any person, firm or corporation, or employe thereof, to use or operate any locomotive, logging engine, portable engine, traction engine or stationary engine using fuel other than oil, in or near forest or brush land, which is not provided with an adequate spark arrester kept in constant use and repaired. Any person, firm or corporation who shall wilfully fail to comply with the foregoing provisions

of this section shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine for each engine or locomotive without such spark arrester of not less than twenty-five dollars ($25.00), nor more than one hundred dollars ($100.00), and shall be enjoined from further use of such engine or locomotive until such spark arrester is provided. Escape of fire from any engine shall be *prima facie* evidence that such appliance has not been adequately maintained in compliance with this section. Upon proof that any prosecution has been instituted under this section by any fire warden, any court of competent jurisdiction shall enjoin the further use of the engine involved, unless equipped and maintained in compliance with this section to the satisfaction of said fire warden, until the defendant has been acquitted of the charge preferred.

The escape of fire, as used in this section, means such an escape of sparks or fire as endangers, regardless of whether property is actually set on fire and destroyed. While escape of fire from an engine is *prima facie* evidence that the appliance has not been adequately maintained in compliance with the law, the escape of fire to such an extent that it would endanger property must be shown. Justices of the Peace have jurisdiction of cases growing out of the violation of this section. (Opinion of Attorney General.)

BURNING OF SLASHINGS

Section 11. All persons, firms, or corporations engaged in logging, or permitting logging upon their lands, in this State, shall each year burn their annual slashing, by which is meant the top and inflammable refuse left after lumbering, that may carry

fire or cause it to spread, at such time and in such manner and with such provision of help as will confine the fire to their own lands, and if such burning is done between June 1 and October 1 shall first cut down all dead trees or snags over twenty-five (25) feet high. Builders of trails, roads or railroads in this State shall immediately destroy or remove all inflammable material resulting from constructing or clearing for such improvements unless prevented under the provisions of Sections 7 and 8 of this act. Any person, firm or corporation operating a railroad in this State with coal or wood fuel shall annually, or when so directed by the State Board of Forestry, and in a manner and to an extent directed by said Board, destroy or remove all inflammable material from the right-of-way of said railroad. All burning under the provision of this section shall be in accordance with the provisions of Sections 7 and 8 of this act. Refusal or neglect to comply with the provisions of this section shall be punished by a fine of not less than one hundred dollars ($100.00), nor more than one thousand dollars ($1,000.00) for each offense; *provided,* that the State Forester, with the consent of the Board of Forestry, may suspend the restrictions of this section when and where he deems public safety so permits or requires. It is *further provided,* that in the absence of such suspension, and in case of refusal or neglect by any person or persons at fault, after proper

notice, to take the precautions against fire required by this section, the State Forester, or District Fire Warden acting with his consent, may have the work done to the extent he deems requisite to public safety, and the cost thereof and the expense of any fire patrol rendered necessary by the delay shall be recoverable from the offender by action for debt.

The attention of loggers, owners on whose land logging is being done, builders of trails, roads and railroads, should be called to this section by the wardens. Refusal of any person or corporation to comply with these provisions should be reported to the State Forester.

SETTING FIRE WITH MALICIOUS INTENT A FELONY

Section 12. Any person who shall unlawfully or maliciously set fire to any woods, forest, timber, brush or vegetable matter whatever, with intent that the property of another shall be injured thereby, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State penitentiary for not less than one (1) year nor more than ten (10) years.

DAMAGE FROM FIRE MAY BE RECOVERED IN CIVIL ACTION

Section 13. In addition to the penalties provided in this act, the United States, State, county, or private owners, whose property is injured or destroyed by fires in violation of this act, may recover in a civil action double the amount of damages suffered if the fires occurred through wilfulness, malice or neg-

ligence; but if such fires were caused or escaped accidentally or unavoidably, civil action shall lie only for the actual damage sustained as determined by the value of the property injured or destroyed, and the detriment to the land and vegetation thereof. Persons or corporations causing fires by violations of this act shall be liable in action for debt to the full amount of all expenses incurred in fighting such fires.

ANY PERSON OTHER THAN A COMPENSATED FIRE WARDEN FURNISHING INFORMATION LEADING TO A CONVICTION ENTITLED TO ONE-HALF OF FINE

Section 14. Any person not employed and compensated as a fire warden who shall detect anyone violating any of the provisions of this act, and shall furnish information leading to the arrest and conviction of such person, shall, upon his conviction, receive one-half of the fine paid by such person convicted, otherwise all fines imposed under this act, less the cost of collection, shall go into the general fund of the county in which conviction is had.

DISTRICT ATTORNEY TO PROSECUTE OFFENDERS WITH ALL DILIGENCE AND ENERGY

Section 15. Whenever an arrest shall have been made for violation of any provision of this act, or whenever any evidence which shows with reasonable certainty any such violation shall have been lodged with him, the District Attorney for the county in

which the criminal act was committed must prosecute the offenders with all diligence and energy. If any District Attorney shall fail to comply with the provisions of this section he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars ($100.00), nor more than one thousand dollars ($1,000.00), in the discretion of the court. Prosecution against the District Attorney shall be conducted by the Attorney General. The penalties of this section shall apply to any Justice of the Peace with proper authority, who refuses or neglects to issue a warrant for the arrest of any person or persons when complaint under oath of violation of any terms of this act has been lodged with him.

PRINTED CIRCULARS, NOTICES, BLANKS, ETC., TO BE FURNISHED BY THE SECRETARY OF STATE

Section 16. The Secretary of State shall, upon request of the State Forester, furnish such printed circulars and cloth notices and such forms and blanks as shall be necessary to carry out and give publicity to the provisions of this act, the cost of providing such circulars, cloth notices, forms and blanks to be paid from the appropriation for defraying the expenses of the public printing, binding, etc., provided for the various State departments, boards, commissions, etc. Any person who shall wilfully destroy or injure any notice posted in compliance herewith shall be punished by a fine of not less than ten

dollars ($10.00), nor more than fifty dollars ($50.00), or by imprisonment for one (1) day for each two dollars ($2.00) of such fine imposed in case of his neglect or refusal to pay such fine.

Justices of the Peace have jurisdiction of cases growing out of the violation of this section.

COUNTY COMMISSIONERS MAY APPROPRIATE MONEY FOR FOREST PROTECTION

Section 17. County boards of commissioners may appropriate money for forest protection under the provisions of this act, and expenses incurred by any county board of commissioners in accordance therewith shall be a proper county charge.

APPROPRIATION FOR THE BIENNIAL PERIOD

Section 18. For the purpose of carrying out the provisions of this act, including the payment of the salaries and expenses of the officers and employes for which the State is liable under this act, there is hereby appropriated out of any funds in the treasury not otherwise appropriated the sum of sixty thousand dollars ($60,000.00), or so much thereof as may be necessary. The Secretary of State is hereby authorized and directed to audit all duly approved claims which have been incurred in pursuance of this act and the foregoing appropriation and to draw his warrant on the State Treasurer in the payment thereof out of the appropriation made by this act or other appropriation from which the same may be determined to be payable.

Section 19. It is hereby adjudged and declared that precautionary measures provided by this act must be taken immediately and before the actual fire season, and that since existing conditions are such that this act is necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this act shall take effect and be in full force and effect from and after its approval by the Governor.

Section 20. That Sections 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516, 5517, 5518, 5519, 5520 and 5521, of Lord's Oregon Laws are hereby repealed.

Filed in the office of the Secretary of State February 24, 1911.

CHAPTER 90 OF THE LAWS OF OREGON FOR 1913

AN ACT

To make every county judge *ex officio* a fire warden within his county, and to provide the conditions under which slashings and timber cuttings may be burned.

Be it enacted by the People of the State of Oregon:

Section 1. That every county judge within the State of Oregon is *ex officio* a fire warden and shall have all the rights and powers and perform all the duties of a regularly appointed fire warden, within the boundaries of his county, as such rights, powers and duties are provided and defined by the General Laws of Oregon. Every such

county judge is hereby authorized to issue and revoke permits for burning slashings, choppings, wood lands and brush lands between June 1 and October 1 of each year.

Section 2. Every person to whom such a permit is issued shall give at least 24 hours' notice to each resident owner of adjoining lands, of the time when he intends to set fire in accordance with his permit.

CHAPTER 247 OF THE LAWS OF OREGON FOR 1913

AN ACT

To require owners of timber lands to provide a fire patrol therefor.

Be it enacted by the People of the State of Oregon:

Section 1. Every owner of timber land in the State of Oregon shall furnish or provide a sufficient fire patrol therefor during the season of the year when there is danger of forest fires, which patrol shall meet with the approval of the State Board of Forestry.

Section 2. In case any owner or owners shall fail or neglect to provide such fire patrol, then the State Forester, under direction from the State Board of Forestry, shall provide the same at a cost not to exceed five (5) cents per acre per annum. Any amounts so paid or contracted to be paid by the State Forester, shall be a lien upon the property, and shall be reported by the State Forester to the county court of the county in which

such lands are situated, and shall by such court be levied and collected with the next taxes on such lands in the same manner as taxes are collected. Said county court shall instruct the proper officer to extend the amounts on the assessment roll in a separate column, and the procedure provided by law for the collection of taxes and delinquent taxes shall be applicable thereto, and upon collection thereof the county court shall repay the same to the State Forester, to be applied to the expenses incurred in carrying out the provisions of this act.

Section 3. For the purposes of this act, any land shall be considered timber land which has enough timber standing or down to constitute, in the judgment of the State Board of Forestry, a fire menace to itself or adjoining lands.

Section 4. The owner of any land coming under the provisions of this act, who shall reside within one and one-half miles of said land, shall be considered, by virtue of said residence, to maintain a sufficient fire patrol and shall not be compelled to maintain additional patrol on such land.

Section 5. For the purposes of this act, an adequate fire patrol shall be construed to mean one equal to that maintained by 50 per cent of the timber owners in the same locality, or under similar conditions in other localities, who are in good faith patrolling their lands against fire.

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